S907-80

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 907 OF 1980

NANDINI K.BALSEKAR .... Plaintiff
V/S
DEVKUMAR D.SHAH AND ORS. . Defendants

Ms. P.L. Buchani i/b. I.R.JOSHI AND CO. for plaintiff
Mr. Kalpesh Joshi i/b.
MALVI RANCHODDAS AND CO for defendants

CORAM: **D.G. KARNIK J.**
DATE: February 26, 2007

P.C.:

1. Learned counsel for the plaintiff reports no instructions. Counsel states that the letter written to the plaintiff has been returned undelivered by the postal authorities with the endorsement 'not delivered' . Counsel tenders xerox copy of the letter along with the xerox copy of the envelope.
2. The plaintiff is absent when called. The suit is therefore dismissed under Order 9 Rule 8 CPC.
3. As regards the counter claim the learned counsel for the defendant submits that in view of the dismissal of the suit the defendant does not press the counter claim. Hence counter claim also is dismissed for non – prosecution.

(D.G. KARNIK J.)